

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6197

BILL NUMBER: SB 26

NOTE PREPARED: Jan 29, 2010

BILL AMENDED: Jan 28, 2010

SUBJECT: Child Solicitation.

FIRST AUTHOR: Sen. Head

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It makes child solicitation committed by a person at least 21 years of age against a child under 14 years of age a Class C felony if the person performs an overt act demonstrating an intent to physically meet the child.
- B. It enhances the penalty to a Class B felony if it is committed by means of a computer network, and to a Class A felony if it is committed by means of a computer network by a person who has a prior conviction for child solicitation by means of a computer network.
- C. It increases the criminal costs fee by \$0.50.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Summary-* The Department of Correction (DOC) is estimated to need new beds beginning in FY 2011. The following table shows that the projected number of new beds needed would level off in FY 2013.

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
New Beds Needed	4	17	30.5	30.5	30.5
Cost per Bed	\$12,775	\$12,775	\$12,775	\$12,775	\$12,775
Added Costs	\$51,100	\$217,175	\$389,638	\$389,638	\$389,638
Note: The added cost per bed is based on the added offenders that would be placed in jails due to the full capacity in DOC facilities. The added costs per bed is \$35 per day x 365 days per year					

Background and Analysis— Under current law, there is no requirement that a person actually complete the act of meeting with his or her victim to commit the crime of child solicitation. This bill would create new penalties when a person over the age of 21 solicits a child younger than 14 years of age and performs an overt act to physically meet the victim. The following table shows these proposed changes.

Circumstance	<u>Current Law</u> At least 18 years of age	<u>Proposed</u> At least 21 years of age *
Solicits sexual intercourse, deviate sexual conduct, or fondling or touching	Class D felony	Class C felony
Above via a computer network	Class C felony	Class B felony
Above with a previous conviction for an unrelated offense	Class B felony	Class A felony
* AND performs overt act demonstrating an intent to physically meet the child		

To estimate the added number of beds that would be needed, LSA calculated the length of stay of all felony offenders who were released from DOC facilities in CY 2007 and 2008.

Felony Class	Offenders Released in CY 2007 and CY 2008	Average Time Served in Years
FB	6,514	2.9
FC	8,868	1.4
FD	15,702	0.6
Grand Total	31,084	1.4

During CY 2007 and CY 2008, an average of 15 Class C felony offenders and 10 Class D felony offenders, all over 21 years of age, were committed to DOC each year for the crime of child solicitation. No offenders were committed for Class B felonies under this section. LSA assumes that all offenders who were over the age of 21 would be affected by this bill.

Felony Level	Average Number of Offenders Affected	Current Length Of Stay	New Length of Stay	Added Time in Prison
FC	15	1.4	2.9	1.5
FD	10	0.6	1.4	0.8
Note: Time in prison is measured in years				

The sentencing court may suspend the sentence of the offender so that the person could avoid prison time and be assigned to probation, community corrections, or some other form of community supervision. These offenders would be required to register as sex offenders with the local law enforcement agency.

Explanation of State Revenues: (Revised) LSA estimates that adding 50 cents to the criminal costs fee will generate \$25,000 in total new revenue. The state General Fund's share of this fee is 70%. Therefore, this bill would generate \$17,500 in new General Fund revenue each year.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: (Revised) The local share of the criminal costs fee is 30%. Therefore, the local units of government would receive \$7,500 in new revenue each year. (See *Explanation of State Revenues.*)

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; DOC.

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